

Remarks

Claims 1-8 are pending in the present application. By this amendment, claim 1 has been amended. No new matter is believed added.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph. In particular, the Examiner alleges that the term "available" is unclear. Claim 1 has been amended to address the rejection under 35 U.S.C. 112, second paragraph.

Claims 1-8 are rejected under 35 U.S.C. 103(a) over Grabelsky et al. (US 6,678,250), hereafter "Grabelsky" in view of Ito et al. (US 6,052,734), hereafter "Ito." This rejection is defective because the combination of Grabelsky and Ito fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a).

Claim 1 includes:

"an output bitrate adjusting stage for selectively adjusting the output bitrate based on the computed statistics, wherein the output bitrate is adjusted by providing a plurality of bitstreams encoded at different bitrates and selecting one of the plurality of bitstreams based on the computed statistics."

Applicants respectfully submit that Grabelsky fails to teach or suggest, among other features, the claimed "output bitrate adjusting stage for selectively adjusting the output bitrate based on the computed statistics, wherein the output bitrate is adjusted by providing a plurality of bitstreams encoded at different bitrates and selecting one of the plurality of bitstreams based on the computed statistics." The Examiner concurs with this position as evidenced on page 4 of the above-referenced Final Office Action.

In order to overcome this glaring deficiency of Grabelsky, the Examiner relies on the reference of Ito. In particular, the Examiner alleges that Ito teaches "an intermediary system

monitoring and controlling real time data transmission to receivers over a network for the purpose of preventing congestion, packet loss and other network impediments,” and “adjusting and selecting a transmission rate based on RTCP statistics.” To justify this position, the Examiner asserts that “it would have been obvious ... to modify Grabelsky to comprise an output bitrate adjusting stage for selectively adjusting the output bitrate based on the computed statistics, wherein the output bitrate is adjusted by providing a plurality of bitstreams encoded at different bitrates and selecting one of the plurality of bitstreams based on the computed statistics as per the teachings of Ito for the purpose of preventing congestion, packet loss and other network impediments.” Applicants respectfully disagree and submit that the Examiner has misinterpreted the teachings of Ito.

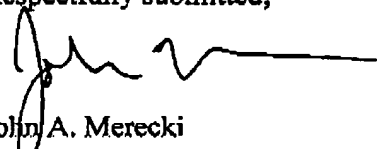
Contrary to the interpretation of the Examiner, Ito does not teach or suggest the adjustment of the output bitrate “**by providing a plurality of bitstreams encoded at different bitrates and selecting one of the plurality of bitstreams based on the computed statistics.**” Rather, Ito teaches that the bitrate of the data being transmitted to a receiving terminal is selectively adjusted based on the degree of congestion. Thus, Ito discloses the adjustment of a bitrate rather than providing a plurality of bitstreams encoded at different bitrates and the selection of one bitstream from the plurality of bitstreams.

Accordingly, since the combination of Grabelsky and Ito fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a), Applicants respectfully submit that claims 1-8 are allowable.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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